BILL NO. Z-87-08-06

ZONING MAP ORDINANCE NO. Z-2487

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. O-30.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a POD (Professional Office) District under the terms of Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

> Part of the West Half of the Southeast Quarter of Section 24, Township 31 North, Range 12 East, Allen County, Indiana, more particularly described as follows:
>
> Commencing at the Northeast corner of the West Half of the Southeast Quarter of Section 24, Township 31 North, Range 12 East, Allen County, Indiana, thence South along the East line of the W 1/2 of the SE 1/4 of Sec. 24-31-12 a distance of 1019.0 feet to the true point of beginning, said point being the Southeast corner of the Shive Nursing Center, recorded in Document Number 74-6593; thence West with a deflection angle to the right of 89 degr. 05 min. 30 sec. along the South line of the Shive Nursing Center a distance of 446.0 feet; thence South with a deflection angle to the left of 89 degr. 05 min. 30 sec. and parallel to the East line of the W 1/2 of the SE 1/4 of Sec. 24-31-12 a distance of 307.0 feet to a point on the centerline of Stony Run Creek; thence Southeasterly with a deflection angle to the left of 57 degr. 12 min. 30 sec. along centerline of Stony Run Creek a distance of 410.28 feet; thence Southeasterly with a deflection angle to the right of 21 degr. 16 min. 20 sec. along the centerline of Stony Run Creek a distance of 172.17 feet to a point on the East line of the W 1/2 of the SE 1/4 of Sec. 24-31-12; thence North with a deflection angle to the left of 144 degr. 03 min. 50 sec. along the East line of the W 1/2 of the SE 1/4 of Sec. 24-31-12 a distance of 675.67 feet to the true point of beginning containing 4.74 acres.

and the symbols of the City of Fort Wayne Zoning Map No. O-30, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the

Councilmember

APPROVED AS TO FORM AND LEGALITY:

BRUCE O. BOXBERGER, CITY ATTORNEY

Read the first time in full and on motion by Redd, seconded by Stier, and duly adopted, read the second t by title and referred to the Committee Regulations (and the Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort W Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock ____.M.

DATE: 8-11-87

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury, seconded by Eisbart, and duly adopted, placed on i passage. PASSED (~~LOST~~) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	8			1	
BRADBURY	✓				
BURNS	✓				
EISBART	✓				
GiaQUINTA	✓				
HENRY				✓	
REDD	✓				
SCHMIDT	✓				
STIER	✓				
TALARICO	✓				

DATE: 9-22-87

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (~~ANNEXATION~~) (~~APPROPRIATION~~) (~~GENERAL~~) (~~SPECIAL~~) (ZONING MAP) ORDINANCE (~~RESOLUTION~~) NO. 3-24-87 on the 22nd day of September, 19 87

ATTEST:
Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

(SEAL)
Mark E. GiaQuinta
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana on the 23rd day of September, 19 87 at the hour of 11:00 o'clock A.M.,E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 23rd day of September 19 87, at the hour of 3:00 o'clock P.M.,E.S.T.

WIN MOSES, JR., MAYOR

Prescribed by State Board of Accounts

A.E. BOYCE CO., MUNCIE, IND. GENERAL FORM NO. 352

RECEIPT

OK # 10361

No 2714

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND., 7-17 19 87

RECEIVED FROM Shire Nursery Sod / $ 50.00

THE SUM OF Fifty + 100 DOLLARS

ON ACCOUNT OF 1340 thru 1370 Indiana Ave.
rezoning R-3 to POD
Fee.

AUTHORIZED SIGNATURE

RECEIPT NO. _____

DATE FILED 7-17-87

INTENDED USE P.O.D.

THIS IS TO BE FILED IN DUPLICATE.

I/We SHIVE NURSING CENTERS INC.
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an R-3 District to a/an P.O.D. District the property described as follows:

4.74 ACRES SEC. 24 T31N R12E ALLEN CO. IN.

SEE ATTACHED!

(Legal Descrption) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

1348 thru 1378 Medical Pk Dr.

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

WAYNE SHIVE		
SHIVE NURSING CENTER INC.	# 1530 MEDICAL PK DR FT. WAYNE	
(Name)	(Address)	(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or requst that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordina being sent to the newspaper for legal publication. If the request for deferra continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at whi it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that ar ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the ma for hearing before the City Plan Commission. (FILING FEE $50.00)

Name and address of the preparer, attorney or agent.

JOHN R. DONOVAN	2030 INWOOD DR.	424-7418
(Name)	(Address & Zip Code)	(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street Fort Wayne, IN 46802 (PHONE: 219/ 427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hear approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoned.

See Attached

Owners of Property

(Name)	(Address)	(Signature)

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST "OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING FROM BEING HELD.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on August 11, 1987 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-87-08-06; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on August 17, 1987.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

(1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;

(3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,

(5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resoluton adopted at the meeting of the Fort Wayne City Plan Commission held August 24, 1987.

Certified and signed this
9th day of September 1987.

Robert Hutner
Secretary

LEGAL DESCRIPTION

Part of the West Half of the Southeast Quarter of Section 24, Township 31 North, Range 12 East, Allen County, Indiana, more particularly described as follows:

Commencing at the Northeast corner of the West Half of the Southeast Quarter of Section 24, Township 31 North, Range 12 East, Allen County, Indiana, thence South along the East line of the W1/2 of the SE1/4 of Sec. 24-31-12 a distance of 1019.0 feet to the true point of beginning, said point being the Southeast corner of the Shive Nursing Center, recorded in Document Number 74-6593; thence West with a deflection angle to the right of 89 degr. 05 min. 30 sec. along the South line of the Shive Nursing Center a distance of 446.0 feet; thence South with a deflection angle to the left of 89 degr. 05 min. 30 sec. and parallel to the East line of the W1/2 of the SE1/4 of Sec. 24-31-12 a distance of 307.0 feet to a point on the centerline of Stony Run Creek; thence Southeasterly with a deflection angle to the left of 57 degr. 12 min. 30 sec. along the centerline of Stony Run Creek a distance of 410.28 feet; thence Southeasterly with a deflection angle to the right of 21 degr. 16 min. 20 sec. along the centerline of Stony Run Creek a distance of 172.17 feet to a point on the East line of the W1/2 of the SE1/4 of Sec. 24-31-12; thence North with a deflection angle to the left of 144 degr. 03 min. 50 sec. along the East line of the W1/2 of the SE1/4 of Sec. 24-31-12 a distance of 675.67 feet to the true point of beginning containing 4.74 Acres.

ORIGINAL

Admn. Appr. _____

COUNCILMANIC DISTRICT No. ____ DIGEST SHEET ORIGINAL

TITLE OF ORDINANCE Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE 1340 thru 1370 Medical Pk Drive

3-87-08-06

EFFECT OF PASSAGE Property is presently zoned R-3 - Multi-Family Residential District

Property will become POD - Professional Office District.

EFFECT OF NON-PASSAGE Property will remain R-3 - Multi Family Residential District

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.) _____

Division of Community Development & Planning

BILL NUMBER

BRIEF TITLE Zoning Ordinance Amendment From R-3 to POD

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address

1340 through 1370 Medical Park Drive

Reason for Project

Construction of Office Complex

Discussion (Including relationship to other Council actions)

17 August 1987 - Public Hearing

Jon Bomberger, representing Shive Nursing Center Inc., the developer of the project appeared before the Commission. He stated that the project is located off of North Clinton Street. He stated it is a tract of about 4.74 acres, the surrounding area is primarily office development. He stated they were seeking the rezoning in order to construct on the site 4 office buildings, with a gross leasable square footage of about 24,358 with 104 parking spaces to serve the building. He stated that they are aware of the staff comments and they are working with the staff and did not feel there were any problems.

There was no one present who wished to speak in favor of or in opposition to the proposed rezoning.

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) Shive Nursing Center City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	☒ For ☐ Against Reason Against
Board or Commission Recommendation	By ☒ For ☐ Against ☐ No Action Taken ☐ For with revisions to conditio (See Details column for conditi
CITY COUNCIL ACTIONS (For Council use only)	☐ Pass ☐ Other ☐ Pass (as amended) ☐ Hold ☐ Council Sub. ☐ Do not pa

DETAILS

24 August 1987 - Business Meeting

Motion was made to return the ordinance to the Common Council with a DO PASS recommendation, motion carried.

Of the 9 members present 8 voted in favor of the motion, one (1) did not vote.

NOTE: Conditions placed on a POD are on the development plan and will have to be satisfied prior to any construction permits being released.

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start **Date** 17 July 1987

Projected Completion or Occupancy **Date** 9 September 1987

Fact Sheet Prepared by **Date** 9 September 1987
Patricia Biancaniello

Reviewed by **Date** 9/9/87
Gary Bechtel

Reference or Case Number

Defer until 9/22/87. (for 10 pm)

BILL NO. Z-87-08-06

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN (ORDINANCE) ~~(RESOLUTION)~~ amending the City of Fort Wayne Zoning Map No. O-39

HAVE HAD SAID ~~(ORDINANCE)~~ (RESOLUTION) UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID ~~(ORDINANCE)~~ (RESOLUTION) Do Pass

YES		NO
Janet G. Bradbury	JANET G. BRADBURY CHAIRPERSON	
Charles B. Redd	CHARLES B. REDD VICE CHAIRMAN	
	THOMAS C. HENRY	
	PAUL M. BURNS	
	BEN A. EISBART	

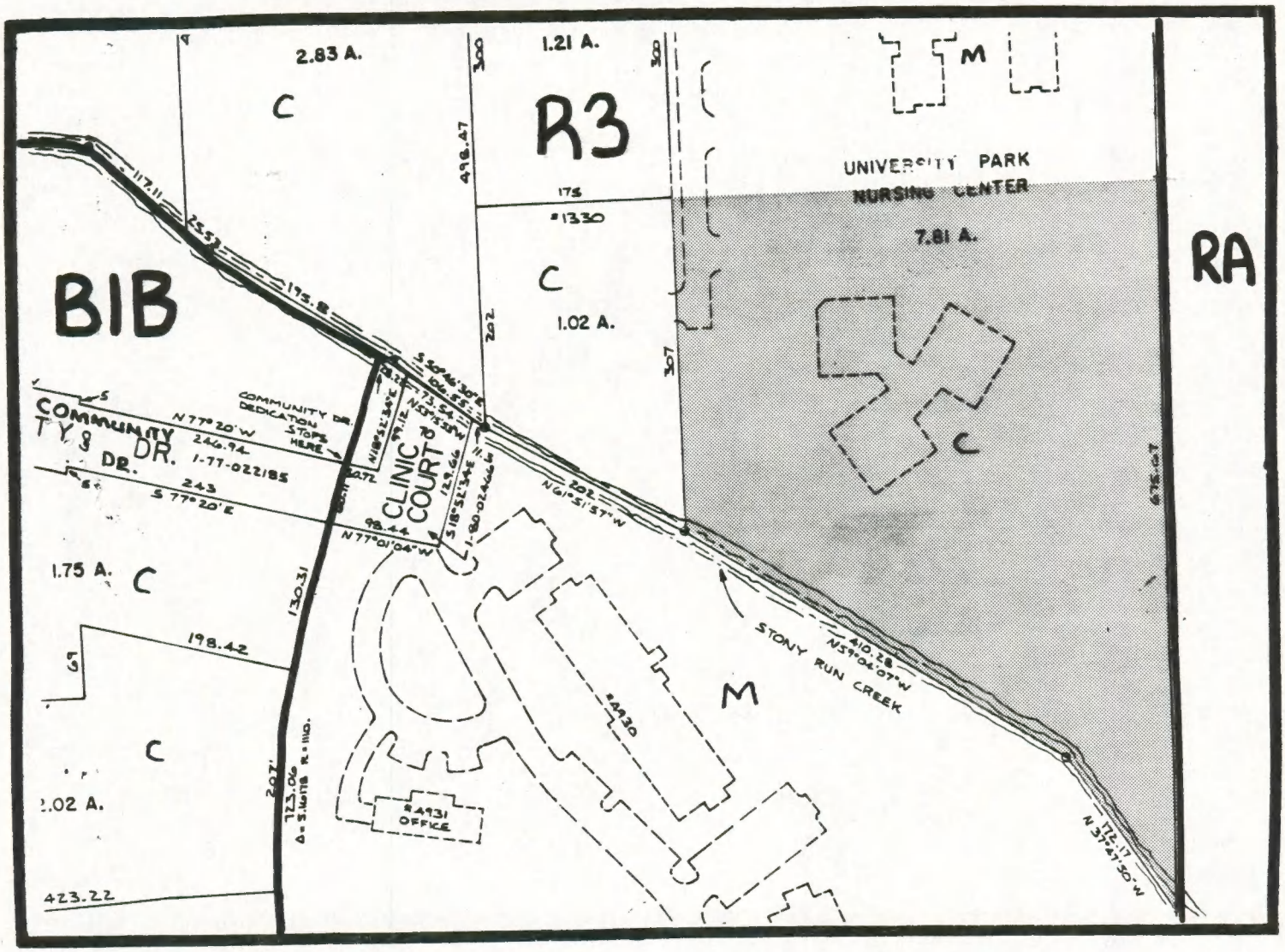
CONCURRED IN 9-22-87

SANDRA E. KENNEDY
CITY CLERK

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM AN R-3 DISTRICT TO A P.O.D. DISTRICT.

MAP NO. 0-30

COUNCILMANIC DISTRICT NO. 3



ZONING:

RA RESIDENCE 'A'
R3 RESIDENTIAL
BIB LIMITED BUSINESS 'B'

LAND USE:

[C] COMMERCIAL
[M] MULTI-FAMILY

N

SCALE: 1" = 200'

DATE: 7-30-87